

112TH CONGRESS
1ST SESSION

H. RES. 193

Calling on the new Government of Egypt to honor the rule of law and immediately return Noor and Ramsay Bower to the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2011

Mr. FRANK of Massachusetts (for himself and Mr. SMITH of New Jersey) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the new Government of Egypt to honor the rule of law and immediately return Noor and Ramsay Bower to the United States.

Whereas Colin Bower has been trying unsuccessfully since August 11, 2009, to secure the return of his children Noor and Ramsay to the United States, where Noor and Ramsay maintained their habitual residence from 2005 until their mother, Mirvat el Nady, wrongfully removed them to Egypt;

Whereas Noor William Noble Bower, age 10, and Ramsay Maclean Bower, age 8, are lawful citizens of the United States of America;

Whereas on December 1, 2008, prior to the abduction of Noor and Ramsay, the Probate and Family Court of the

Commonwealth of Massachusetts awarded sole legal custody of Noor and Ramsay to Colin Bower, and joint physical custody with Mirvat el Nady, which ruling stipulated Mirvat el Nady was not to remove Noor and Ramsay from the Commonwealth;

Whereas such custody ruling was informed by independent psychological and physical evaluations which outlined Mirvat el Nady's prolonged abuse and addiction to Schedule II narcotics including oxycodone, hydromorphone, and methadone, and which indicated a profound maladaptive character pathology;

Whereas it was the conclusion of the guardian ad litem and two evaluators appointed to conduct Mirvat el Nady's psychological assessment that these factors indicated an inability to provide structure and consistent oversight for young children, to consider her children's needs ahead of her own, to make reasoned judgments or observations, and to respond to others in a reasonable fashion;

Whereas it was the recommendation of the lead court evaluator that Mirvat el Nady enter into a period of observation in a secure psychiatric inpatient facility, followed by an extensive addiction and mental health treatment program, and that the Court undertake oversight of her compliance with that program;

Whereas on August 11, 2009, Noor and Ramsay Bower were abducted to Egypt by Mirvat el Nady and granted entry to Egypt without prior issuance of United States visas;

Whereas Mirvat el Nady unlawfully secured Egyptian passports for Noor and Ramsay Bower under the fraudulent names of "Noor Power" and "Ramsay Power";

Whereas Mirvat el Nady entered Egypt on August 11, 2009, using a British passport which falsely indicated her name as “Mirvat Nady”;

Whereas EgyptAir, a company owned by the Egyptian State, accepted a cash payment of \$10,000 from Mirvat el Nady for tickets for herself, Noor and Ramsay despite the fact that the children’s surnames on their fraudulent passports did not match the surname of the accompanying adult, Mirvat el Nady;

Whereas in August of 2009, following this violation of the Probate Court’s ruling, the Massachusetts Trial Court granted sole physical custody of Noor and Ramsay to their father, Colin Bower;

Whereas in August 2009, local and Federal warrants were issued for the arrest of Mirvat el Nady on charges of kidnapping;

Whereas in April of 2010, a red notice was issued by Interpol for the same purpose internationally;

Whereas in March of 2008, Mirvat el Nady fraudulently and without Colin Bower’s knowledge filed for physical custody of Noor and Ramsay through the Egyptian court system by falsely claiming the children and Colin Bower were Egyptian residents;

Whereas in December 2009, Mirvat el Nady obtained by deception an order from the Egyptian court granting her custody of Noor and Ramsay;

Whereas in November 2010, Colin Bower successfully appealed the custody ruling through the Egyptian court system, and the order giving Mirvat el Nady custody over Noor and Ramsay was thereby revoked;

Whereas despite visitation rights being granted to Colin Bower by the Egyptian Court allowing him to see Noor and Ramsay twice per month during the period of the custody dispute, Mirvat el Nady had denied him 13 of 16 court ordered visits with his sons, and during the three visits that occurred, the children were surrounded by Egyptian security forces at all times and Colin Bower was physically intimidated;

Whereas the State Security Forces of Egypt concealed and protected Mirvat el Nady from prosecution;

Whereas despite repeated appeals to Egyptian political and security officials by members of the United States Department of State, the revocation of Mirvat el Nady's custody in Egypt, and the subsequent lack of custody determination for the children existing in Egypt, no action has been taken by the Egyptian government to facilitate the return of Noor and Ramsay to their father who continues to be the only legal custodian of the children;

Whereas the Egyptian government has failed to recognize the valid custody order of the court of competent jurisdiction, the Probate and Family Court of the Commonwealth of Massachusetts, and has allowed Mirvat el Nady to continue the unlawful retention of American citizen children, Noor and Ramsay Bower;

Whereas furthermore, the People of Egypt has undertaken to reform their Government to ensure the protection of human rights and the democratic rule of law;

Whereas the United States has expressed its desire, through the Hague Convention on the Civil Aspects of International Child Abduction, "to protect children internationally from the harmful effects of their wrongful re-

moval or retention and to establish procedures to ensure their prompt return to the State of their habitual residence”;

Whereas according to the Department of State’s April 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, “parental child abduction jeopardizes the child and has substantial long-term consequences for both the child and the left-behind parent”;

Whereas according to the Department of State, there are 31 ongoing cases involving 48 children wrongfully removed from the United States to Egypt;

Whereas the Department of State’s Office of Children’s Issues, while not always notified of international child abductions, opened 1,080 cases of parental child abduction to other countries involving more than 1,501 children just last year; and

Whereas the incidence of reported child abduction cases has more than doubled since 2007: Now, therefore, be it

1 *Resolved*, That—

2 (1) the House of Representatives—

3 (A) calls on Egypt to, in accordance with
4 its goals of promoting human rights and demo-
5 cratic rule of law, bring about the safe return
6 of Noor and Ramsay Bower to their father,
7 Colin Bower, in the United States;

8 (B) calls on Egypt to immediately stop
9 using its own security forces in aiding and abet-

1 ting the continued unlawful retention of United
2 States citizens Noor and Ramsay Bower; and

3 (C) urges Egypt and all other nations to
4 join and fully participate in the Hague Conven-
5 tion on the Civil Aspects of International Child
6 Abduction, and to establish procedures to
7 promptly and equitably address the tragedy of
8 child abductions, given the serious consequences
9 to children of not expeditiously resolving these
10 cases and of denying them access to a parent;
11 and

12 (2) it is the sense of the House of Representa-
13 tives that the United States should—

14 (A) urge other nations like Egypt to be-
15 come parties to the Hague Convention on the
16 Civil Aspects of International Child Abduction
17 and establish systems to effectively discharge
18 their reciprocal responsibilities under the Con-
19 vention;

20 (B) take other appropriate measures to en-
21 sure that Hague Convention partners return
22 abducted children to the United States in com-
23 pliance with the Hague Convention's provisions;

24 (C) continue to work aggressively for the
25 return of children abducted from the United

1 States to countries that are not Hague Conven-
2 tion Partners and for visitation rights for left-
3 behind parents while return is negotiated, es-
4 tablishing memorandums of understanding
5 where necessary for the expeditious return of
6 children; and

7 (D) pursue criminal extradition of abduct-
8 ing parents where resolution of the abduction is
9 not otherwise obtainable.

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